

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15289 of ARCH Housing Corporation, as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 353 and 410 to allow new residential development and a structure with division walls erected from the ground up to be deemed a single building for the construction of fifteen one-family units in an R-5-A District at premises 1415-1453 Alabama Avenue, S.E., (Square 5913, Lot 58).

HEARING DATE: April 25, 1990  
DECISION DATE: May 9, 1990

DISPOSITION: The Board **GRANTED** the application by a vote of 3-1 (Carrie L. Thornhill, Paula L. Jewell, and Charles R. Norris to approve; William F. McIntosh opposed to the motion)

FINAL DATE OF ORDER: July 30, and August 17, 1990

MODIFICATION ORDER

The Board granted the application with conditions, by its order dated July 30, 1990. Condition No. 2 of that order required that the exterior materials and color scheme be submitted to the Board for its review and approval prior to the construction of the project. By its order dated August 17, 1990, the Board approved the applicant's proposed color scheme and materials.

Subsequent to the issuance of the orders in the subject case, two of the Board members that participated in the hearing and decision on the application were retired as members of the Board and, therefore, were ineligible to participate in the consideration of the requested modification of plans. Section 3306.11 of the Board's Rules provides that:

A member attending the decision meeting and having read the transcript and reviewed the complete record may participate and may vote even though that member may not have attended any or all of the prior meetings or hearings on the appeal or application.

Board members Clarens and Pruitt were furnished with copies of the transcript and record in the subject case and reviewed those materials prior to consideration of the request for modification of plans.

By letter dated May 13, 1992, counsel for the applicant requested the Board to waive its six-month filing requirement to accept a request for a modification of the plans originally approved by the Board. The Board granted the request to waive its Rules at its public meeting of June 3, 1992.

The proposed modification of plans is requested by the applicant in an effort to upgrade the quality of the exterior appearance of the units by providing for the use of brick instead of dryvitt in specific locations subject to funding availability. The remaining areas will conform to the plans previously approved by the Board. The proposed modification of plans is limited to the treatment of the facades of the units and will not result in any changes to the height, bulk or configuration of the proposed residential units. There was no opposition to the proposed modification of plans.

Upon consideration of the request for modification of plans, the record in the application and its final orders, the Board concludes that the proposed modification is cosmetic in nature and does not result in any change in the size, shape or configuration of the project as originally approved by the Board. The material facts relied upon by the Board relative to the original application are unaffected by the proposed modification of plans. No additional zoning relief is required.

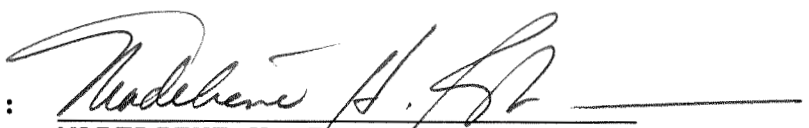
Accordingly, it is hereby ORDERED that the MODIFICATION of PLANS is APPROVED and that the plans for exterior facade treatment marked as Exhibit No. 46A of the record may be substituted for those plans originally approved by the Board and marked as Exhibit No. 43 of the record. In all other respects, the Board's orders dated July 30 and August 17, 1990 shall remain in full force and effect.

DECISION DATE: June 3, 1992

VOTE: 4-0 (Sheri M. Pruitt, Carrie L. Thornhill, Angel F. Clarens and Paula L. Jewell to approve).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Acting Director

FINAL DATE OF ORDER: \_\_\_\_\_

JUN 22 1992

BZA APPLICATION NO. 15289  
PAGE NO. 3

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord15289/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



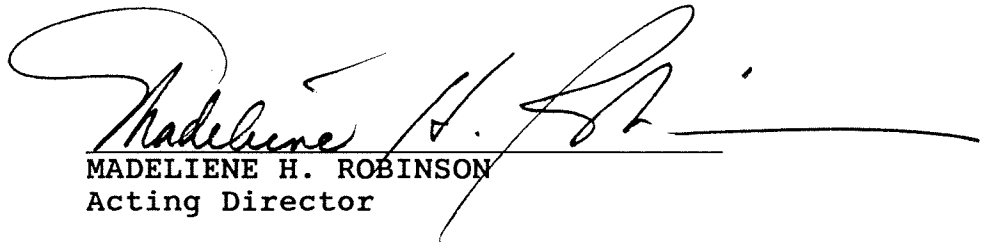
BZA APPLICATION NO. 15289

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUN 22 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Richard B. Nettler, Esquire  
Robins, Kaplan, Miller & Ciresi  
1801 K Street, N.W., Suite 1200  
Wash, D.C. 20006

C.D. Gautuer, President  
ARCH Housing Corp.  
2427 Martin Luther King Jr. Ave., S.E.  
Wash, D.C. 20020

Ms. Muriel Chambers, Chairperson  
Advisory Neighborhood Commission 8-E  
Ferebee-Hope School  
8th & Yuma Streets, S.E.  
Washington, D.C. 20032

A large, stylized handwritten signature in dark ink, appearing to read "Madeliene H. Robinson", is written over a horizontal line. Below the line, the name and title are printed in a serif font.

MADELIENE H. ROBINSON  
Acting Director

DATE: JUN 22 1992

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15289 of ARCH Housing Corporation, as amended, pursuant to 11 DCMR 3108.1 for a special exception under Section 353 and 410 to allow new residential development and a structure with division walls erected from the ground up to be deemed a single building for the construction of fifteen one-family units in an R-5-A District at premises 1415 -1453 Alabama Avenue, S.E., (Square 5913, Lot 58).

HEARING DATE: April 25, 1990  
DECISION DATE: May 9, 1990

DISPOSITION: The Board GRANTED the application with conditions by a vote of 3-1 (Carrie L. Thornhill, Paula L. Jewell and Charles R. Norris to grant; William F. McIntosh opposed to the motion).

FINAL DATE OF ORDER: July 30, 1990

ORDER

The application was granted by the Board subject to two conditions. Condition No. 2 of the Order required that the exterior materials and color scheme be submitted to the Board for its review and approval prior to the construction of the project.

By letter dated June 6, 1990, counsel for the applicant submitted a proposed color scheme and materials plan for the Board's approval. The porches, columns, rails, fascias and window frames are proposed to be white. The remaining surfaces are proposed to be stucco with integral colors to match the Duron paint samples, marked as Exhibit No. 43B, specifically tiger lily (4293M), orange chiffon (4302M[1]), and calliope (4401W). The color distribution shall be as shown on Exhibit No. 43A of the record. At its Public Meeting of July 11, 1990, the Board reviewed the proposed color scheme and materials.

The Board concludes that the applicant's submission, marked as Exhibit No. 43, adequately addressed the concerns of the Board. Upon consideration of the foregoing facts, it is hereby ORDERED that the materials plan contained in Exhibit No. 43 and the color scheme specified in Exhibit No.

43B of the record, satisfies Condition No. 2 of the Board's Order and is hereby APPROVED.

DECISION DATE: July 11, 1990

VOTE: 3-0 (Carrie L. Thornhill, Paula L. Jewell and Charles R. Norris to approve; William F. McIntosh abstaining).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER:

AUG 17 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15289order/BHS24

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 15289

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated AUG 17 1990, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Richard B. Nettler, Esquire  
Gordon, Feinblatt, Rothman, Hoffberger &  
Hollander  
1800 K Street, N.W.  
Suite 600  
Washington, D.C. 20006

C.D. Gautuer, President  
ARCH housing Corporation  
2427 Martin Luther King Jr. Avenue, S.E.  
Washington, D.C. 20020

Gwendolyn Paramore, Chairperson  
Advisory Neighborhood Commission 8-E  
Washington Highland School  
8th & Yuma Streets, S.E.  
Washington, D.C. 20032

  
EDWARD L. CURRY  
Executive Director

DATE: AUG 17 1990

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15289 of ARCH Housing Corporation, as amended, pursuant to 11 DCMR 3108.1 for a special exception under Section 353 and 410 to allow new residential development and a structure with division walls erected from the ground up to be deemed a single building for the construction of fifteen one-family units in an R-5-A District at premises 1415-1453 Alabama Avenue, S.E., (Square 5913, Lot 58).

HEARING DATE: April 25, 1990  
DECISION DATE: May 9, 1990

FINDINGS OF FACT:

1. At the public hearing of April 25, 1990, the relief originally requested in the subject application was amended to reflect the relief necessitated by revised plans submitted by the applicant with its pre-hearing statement on April 11, 1990 and the revised memorandum and plans submitted by the Zoning Administrator received into the record at the public hearing of April 25, 1990. The Board found that adequate notice of the nature of the proposed development had been given in its original notice and that the hearing on the reduced relief sought by the applicant could go forth as scheduled.

2. The property is located on the south side of Alabama Avenue between 15th and Congress Streets and is known as premises 1415-1453 Alabama Avenue, S.E. It is zoned R-5-A.

3. The property is irregularly shaped with a frontage of 188.04 feet along Alabama Avenue, a depth of 112.15 feet to the west adjacent to a twenty foot wide public alley, a depth of 112.72 feet to the east, and a width of 216.42 feet along the 20 foot wide public alley at the rear of the site.

4. The property is generally unimproved except for a small dilapidated frame dwelling which will be razed. The site has a lot area of approximately 22,672 square feet.

5. The property is located within the Congress Heights Neighborhood. The area is developed primarily with public assisted housing, low-rise apartment buildings, semi-detached dwellings and the Washington Hebrew Cemetery. To the north, across 15th Street is the 25-acre Camp Simms mixed-use development opportunity site in the Alabama Avenue Development zone.



6. The applicant proposes to construct one building containing fifteen row house-type single family dwelling units on the subject site. Special exception relief pursuant to 11 DCMR 353 and 410 is therefore required.

7. The proposed development will contain eleven two-story three-bedroom units and four three-story, four bedroom units. The units are to be developed in a "V" configuration focused around a large open space between the units and Alabama Avenue. There will be two large open areas at the rear of the units and each unit will have a small individual privacy area.

8. The applicant proposes to provide fifteen on-site parking spaces as required by the Zoning Regulations. Thirteen parking spaces will be located at the rear of the site with access via the existing twenty foot wide public alley from 15th Street. Two additional parking spaces will be provided along the western boundary of the site with access from the existing twenty foot wide public alley which runs from Alabama Avenue to Savannah Street.

9. The proposed parking spaces will be separated from the dwelling units by grading, landscaping and six foot wooden fences.

10. The proposed dwelling units will be sold to low to moderate income families for between \$75,000 and \$95,000. The units will be sold by metes and bounds as part of a single record lot. A home owners association, in the form of covenants, will govern the maintenance of the site including landscaping, trash collection and parking access.

11. The R-5-A District permits a maximum lot occupancy of forty percent or 9,069 square feet. The proposed development occupies 8,965.48 square feet or 39.54 percent of the lot. The maximum floor area ratio for residential development in the R-5-A District is 0.9 or 20,405 square feet. The proposed development provides for a floor area ratio of 0.88 or 20,047.63 square feet.

12. The height and bulk of the proposed development is generally consistent with nearby residential development.

13. A representative of the applicant testified that the proposed development has been designed to provide an opportunity for low-and moderate-income persons to purchase homes which are significantly different and attractive to promote a sense of ownership and pride. In order to develop such low and moderate income housing, it is essential that land costs per unit not exceed \$10,000. The applicant purchased the subject site for \$150,000.00, thus the bare

minimum number of dwelling units to support the sale of the project to low-and moderate-income families is fifteen.

14. A representative of the applicant further testified that the proposed residential development would help to stabilize the area and attract other housing activity. Many of the multi-family housing units in the immediate area are in a deteriorated condition. The condition of those buildings is indicative of the failure of the development of garden apartments to revitalize the area. In order to stimulate development of housing for low-and moderate-income families, it is essential that single-family units be constructed. Due to the size, location, irregular shape of the lot, land costs, and conditions in the area, the development of the site for detached or semi-detached dwellings or garden apartment buildings is not feasible.

15. By memorandum dated March 22, 1990, the Superintendent, D.C. Public Schools, offered no opposition to the proposed townhouses. The Superintendent indicated that nearby schools should adequately accommodate any student population which is generated by the proposed development and requested that all requirements with regard to public safety be emphasized and enforced.

16. By memorandum dated April 17, 1990, the D.C. Department of Public Works (DPW) offered no objection to the application. The DPW was of the opinion, from a traffic perspective, that the proposed construction of fifteen dwelling units with fifteen on-site parking spaces accessed from a twenty-foot wide alley system would not have an adverse impact on the local transportation system.

17. By memorandum dated April 10, 1990, the D.C. Department of Recreation (DR) offered no objection to the proposed project. The DR was of the opinion that the site plan offers the advantage of improving adult monitoring of play activity while permitting more area of usable open space. The DR suggested that the play area be well shaded, that benches be provided for adults, that railroad ties surround the play area and that mulch be placed under play equipment.

18. By memorandum dated April 20, 1990, the Office of Planning (OP) recommended denial of the application as originally filed. The OP did not report on the modified proposal pending receipt of specific details of the project and review by the Zoning Administrator's Office.

19. At the public hearing of April 25, 1990, the Board waived its Rules to accept the filing the report of ANC-8E less than seven days prior to the public hearing. Advisory Neighborhood Commission - 8E, by memorandum received April 20, 1990 and by representative at the public hearing, opposed the granting of the application. The ANC was of the opinion

that the proposed request, as originally filed, created a density which does not conform to the standards of the R-5-A District in the immediate area or the Comprehensive Plan for Ward 8. The ANC representative testified that the applicant presented its modified plans to the ANC at its meeting of April 23, 1990. After consideration of the modified proposal, the ANC voted to support the project for eleven units, subject to the condition that the completed project include a tot lot and landscaping as shown on the site plan and that the completed project be well illuminated.

20. At the conclusion of the public hearing, the Board left the record open for a supplemental report from the OP, as well as to afford the OP, ANC and the applicant an opportunity to meet to resolve issues concerning the project, to review a revised color scheme for the project, and to report the results of any such meeting to the Board.

21. By supplemental memorandum dated May 8, 1990, the Office of Planning recommended denial of the modified application. The OP noted that several modifications to the site plan with regard to the allocation of open space were agreed to by the applicant in an attempt to resolve the issues and concerns of the OP and the ANC. The OP was of the opinion that the proposed layout and circulation of the project would create upkeep problems and are not appropriate for the site; the proposed density is excessive for the R-5-A District and the need for variance relief is self-imposed. The Board does not concur.

22. By memorandum dated May 7, 1990, ANC-8E indicated that it opposed the project as modified. The ANC recommended that the applicant construct eleven units on the site and indicated its willingness to reconsider the application if appropriate changes to the plan were made by the applicant to address community concerns.

23. In addressing the issues and concerns of the ANC, the Board finds that the fifteen-unit project, as proposed, is permitted with Board approval as a special exception pursuant to Sections 353 and 410. The Board finds that the project provides ample light, air, parking and on-site amenities. There are adequate public facilities in the area to serve the project; no service or rear entrance abuts a street, front yard or front court; no exterior stairway is constructed above the level of the joists of the main floor; and the project will not affect adversely the present character or development of the area.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted the required special exception relief, the applicant must demonstrate

substantial compliance with the requirements of 11 DCMR 3108.1, 353 and 410. The Board concludes that the applicant has met the requisite burden of proof.

Based on reports of the various government agencies, the Board concludes that there are adequate public facilities in the area to serve the proposed development. The Board concludes that the site plan is a reasonable development for the site and that it provides ample light, air, parking and amenity on the site. The Board concludes that the proposed fifteen-unit project is compatible with the adjoining development of semi-detached dwellings, apartment buildings, garden apartments and detached dwellings in terms of bulk and design. The Board concludes that it has accorded the ANC the "great weight" to which it is entitled.

The Board further concludes that the requested relief can be granted as in harmony with the general intent and purpose of the Zoning Regulations and map and, as hereinafter conditioned, will not tend to affect adversely the use of neighboring property in accordance with said application is hereby GRANTED, SUBJECT to the following CONDITIONS:

1. Construction shall be in accordance with the revised plans marked as Exhibit No. 35B of the record.
2. The exterior materials and color scheme shall be submitted to the Board for its review and approval prior to construction of the project.

VOTE: 3-1 (Carrie L. Thornhill, Paula L. Jewell and Charles R. Norris to grant; William F. McIntosh opposed to the motion).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
\_\_\_\_\_  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: JUL 30 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT.

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15289order/LJP63

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



APPLICATION/APPEAL No. 15289

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order in this case, dated JUL 30 1990 has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Richard B. Nettler, Esq.  
Gordon, Feinblatt, Rothman, Hoffberger & Hollander  
1800 K Street, N.W., Ste. 600  
Wash, D.C. 20006

C.D. Gautuer, President  
ARCH Housing Corp.  
2427 Martin Luther King Jr. Ave., S.E.  
Wash, D.C. 20020

Gwendolyn Paramore, Chairperson  
ANC 8E  
Washington Highland School  
8th & Yuma Streets, S.E.  
Wash, D.C. 20032

A handwritten signature in dark ink, appearing to read "ELC", followed by a long horizontal stroke.

---

EDWARD L. CURRY  
Executive Director

DATE: JUL 30 1990